

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 20, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RONALD W. ROUSH and JAMES
H. HUNTER, qui tam as Relators,

Plaintiffs,

and

THE UNITED STATES OF
AMERICA,

Interested Party,

v.

AKAL SECURITY, INC.,

Defendant.

NO: 2:20-CV-358-RMP

ORDER OF DISMISSAL

BEFORE THE COURT is a Consent Notice by the United States, Interested Party and potential intervenor plaintiff, ECF No. 9. Having reviewed the Consent Notice and the record, the Court finds good cause to dismiss this case with prejudice as to Plaintiffs-Relators and without prejudice as to the United States.

1 The United States previously declined to intervene in this action filed pursuant
2 to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B). ECF No. 7. In accepting the
3 United States' Notice to Decline Election to Intervene, on June 30, 2021, this Court
4 ordered the Plaintiffs-Relators to retain counsel in this matter because pro se relators
5 may not prosecute a qui tam action on behalf of the United States. ECF No. 8 at 2
6 (citing *United States ex rel. Stoner v. Santa Clara County Office of Educ.*, 502 F.3d
7 1116, 1127 (9th Cir. 2007)). The Court further ordered that Plaintiffs-Relators'
8 counsel enter an appearance before the filing of Defendant's answer and for
9 Plaintiffs-Relators to serve the Notice of Election to Decline to Intervene, the
10 Complaint, the Complaint signature page, and the Civil Cover Sheet, upon
11 Defendant. *Id.* In addition, in the event that Plaintiffs-Relators, Defendant, or both
12 propose that this action be dismissed, settled, or discontinued, the Court must solicit
13 the written consent of the United States before ruling. *See id.*

14 On August 27, 2021, the United States filed a Consent Notice informing the
15 Court of its consent to dismissal of this action without prejudice with respect to the
16 United States and with prejudice as to the Plaintiffs-Relators. ECF No. 9. The
17 United States informed the Court that it ensured service of the Court's June 30, 2021
18 Order, ECF No. 8, upon Plaintiffs-Relators. ECF No. 9 at 2. The United States
19 further represents that it was in contact with Plaintiff-Relator James Hunter and had
20 notified Plaintiffs-Relators of its intent to file a Consent Notice and had confirmed
21

1 on August 26, 2021 that Plaintiffs-Relators had not retained counsel nor served
2 Defendant as ordered. *Id.*¹

3 As Plaintiffs-Relators have not satisfied their obligations to prosecute this case
4 over the course of nearly three months, the Court finds that dismissal consistent with
5 the United States' Consent Notice is the appropriate and necessary resolution of this
6 matter.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 1. The Consent Notice, **ECF No. 9**, is **APPROVED**.

9 2. Plaintiffs' Complaint is dismissed **without prejudice** with respect to the
10 United States and **with prejudice** with respect to Plaintiffs-Relators and
11 without fees or costs to any party.

12 3. All pending motions, if any, are **DENIED AS MOOT**.

13 4. All scheduled court hearings, if any, are **STRICKEN**.

14 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
15 Order, enter judgment of dismissal with prejudice as to Plaintiffs-Relators and
16 without prejudice as to the United States, provide copies to all parties, and **close this**
17 **case.**

18 **DATED** September 20, 2021. s/ Rosanna Malouf Peterson
19 ROSANNA MALOUF PETERSON
20 United States District Judge

21 ¹ Plaintiff-Relator Ronald Roush did not respond to either the United States or
Plaintiff-Relator Hunter. *See* ECF No. 9 at 2.